

NOTICE OF PRELIMINARY DRAFT OF
PROPOSED AMENDMENTS TO LOCAL RULES
U.S. DISTRICT COURT, DISTRICT OF ALASKA.

Comments are sought on proposed amendments to Local Rules

[Civil, Criminal, and Magistrate]

All Comments received become part of the permanent files on the rules.

Written comments on the preliminary draft rules are due not later than August 15, 2007

Address all communications on rules to:

United States District Court, District of Alaska
Attention: Court Rules Attorney
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Rule 3. Criminal Matters Routinely Assigned to Magistrate Judges

(a) **In General.** Unless otherwise provided by order of a district judge, all criminal matters designated for hearing before magistrate judges by statute or the Federal Rules of Criminal Procedure will be assigned to magistrate judges, including but not limited to:

- (1) issuance of arrest warrants;
- (2) issuance of search warrants;
- (3) initial appearances;
- (4) preliminary examinations;
- (5) removal hearings;
- (6) Class B and Class C misdemeanor cases, and infractions in their entirety; and
- (7) Class A misdemeanor cases in their entirety upon consent of the defendant.

(b) **Other Matters.** Unless otherwise provided by order of a district judge, in addition to the matters provided in subsection (a), the following criminal matters will be assigned to magistrate judges:

- (1) extradition proceedings under 18 U.S.C. § 3184;
- (2) return of indictments;
- (3) warrants and summonses upon indictment or information;
- (4) arraignments;
- (5) waivers of indictment;
- (6) pretrial release and detention hearings;
- (7) non-dispositive pretrial motions within the scope of 28 U.S.C. § 636 (b)(1)(A), except motions related to scheduling the time and place of trials not otherwise assigned to a magistrate judge; and
- (8) dispositive pre-trial motions within the scope of 28 U.S.C. § 636 (b)(1)(B) for reports and recommendations.

Related Provisions:

18 U.S.C. § 19	Petty Offenses
18 U.S.C. §§ 3141–3156	Release and Detention Pending Judicial Proceedings
18 U.S.C. § 3184	Fugitives from foreign country to United States
18 U.S.C. §§ 3401, 3402	Trial by United States Magistrate Judges
28 U.S.C. § 636	Jurisdiction, powers, and temporary assignments
F.R.Cr.P. 4	Arrest Warrant or Summons Upon Complaint
F.R.Cr.P. 5	Initial Appearance Before the Magistrate Judge
F.R.Cr.P. 5.1	Preliminary Examination
F.R.Cr.P. 7	The Indictment and the Information
F.R.Cr.P. 10	Arraignment
F.R.Cr.P. 40	Commitment to Another District
F.R.Cr.P. 41	Search and Seizure
F.R.Cr.P. 46	Release From Custody
F.R.Cr.P. 58	Procedure for Misdemeanors and Other Petty Offenses
F.R.Cr.P. 59	Matters Before a Magistrate Judge
D.Ak.LMR 2	Authority of Magistrate Judges
D.Ak.LMR 6	Objections to Matters under 28 U.S.C. § 636(b)(1) in Criminal Matters

Comment: Paragraph (b)(7) amended to clarify that magistrate Judges are not authorized to rule on scheduling of trials in matters not assigned to the Magistrate Judge for trial.

Rule 1.1 Scope and Purpose of the Rules

(a) **Title and Citation.** [*Abrogated.* Replaced by D.Ak. LR 85.1]

(b) **Scope.** These rules apply to all civil proceedings governed by Rule 1, Federal Rules of Civil Procedure.

(c) **Purpose.**

(1) These rules will be administered and construed:

[A] to secure the just, speedy, and inexpensive determination of every action; and

[B] wherever appropriate, in a manner consistent with the Alaska Rules of Civil Procedure.

(2) In any matter not covered by these rules, the court may regulate its practice in any manner not inconsistent with the Federal Rules of Civil Procedure and these rules.

(d) **Rules of Construction and Definitions.**

(1) The United States Code, title 1, §§1 through 5, as far as applicable, govern the construction of these rules.

(2) The following definitions apply:

[A] "Former local rules" means the General Rules for the United States District Court for the District of Alaska in effect immediately prior to July 17, 1995.

[B] The terms "judge" or "court," unless specifically indicated otherwise, mean:

(i) a United States District Court Judge for the District of Alaska on active or senior status;

(ii) a United States Court of Appeals, District Court Judge, or judge of the International Court of Trade, on active, senior, or retired status, designated to act as a District Court Judge for the District of Alaska for one or more cases under the provisions of 28 U.S.C. §§132(c), 291(b), 292(b) and (d), 293(a), or 294;

(iii) a United States Magistrate Judge for the District of Alaska; and

(iv) to the degree these rules apply to bankruptcy proceedings, a United States Bankruptcy Judge for the District of Alaska or a bankruptcy judge on active or recalled status, designated to act as a bankruptcy judge for the District of Alaska under the provisions of 28 U.S.C. § 155.

[C] As used in these rules, the term "conventional filing" and "filed conventionally" means the physical filing of the paper original of a pleading or other document by delivery to the Clerk of the Court.

(3) If a party is appearing in an action unrepresented by counsel, all references in these rules to "counsel" or "attorneys" are to be construed to refer to the party.

Related Provisions:

1 U.S.C. § 1	Words denoting number, gender and so forth
1 U.S.C. § 2	"County" as including "parish", and so forth
1 U.S.C. § 3	"Vessel" as including all means of water transportation
1 U.S.C. § 4	"Vehicle" as including all means of land transportation
1 U.S.C. § 5	"Company" or "association" as including successors and assigns
28 U.S.C. § 132	Creation and Composition of district courts
28 U.S.C. § 152	Appointment of bankruptcy judges
28 U.S.C. § 155	Temporary transfer of bankruptcy judges
28 U.S.C. § 291	Circuit Judges
28 U.S.C. § 292	District Judges
28 U.S.C. § 293	Judges of the Court of International Trade
28 U.S.C. § 294	Assignment of retired Justices or judges to active duty
28 U.S.C. § 631	Appointment and tenure [Magistrate Judges]
28 U.S.C. § 2071	Rule-making power generally

COMMENT: Subsection (a) redesignated LR 85.1 to conform to Uniform Local Rules Numbering without substantive change.

Rule 1.2 Availability of Official Local Rules

(a) **Locations.** Copies of these rules, as amended, will be maintained by the Clerk of the Court and:

- (1) kept available for inspection and copying—
 - [A] in the federal law library in Anchorage, and
 - [B] at the offices of the clerk of court for the United States District Court in Fairbanks, Juneau, Ketchikan, and Nome during their regular open hours; and
- (2) posted on the court website.

(b) **Amendments.** Notice of amendments will be posted for a reasonable period of time on bulletin boards in the federal buildings in the cities where the court sits and published in a periodical of the Alaska Bar Association.

(c) **Official Rules.** The rules maintained by the Clerk of the Court and posted on the court's website are the official rules of this court. In the event of any difference between the official rules maintained by the Clerk of the Court as posted on the Court's Website and the rules published by any commercial publisher, the official rules will control.

COMMENT: Subsection (c) added to make clear that the "official" local rules are those maintained by the Clerk and posted on the court's website. The court has been apprised of several instances in which a commercial publication was incorrect or outdated. The court controls and bears responsibility for ensuring that the records maintained by the Clerk of the Court, including the public website, are up-to-date and accurate. The court is unable to control either the content or the timeliness of the publication of the local rules by a commercial publisher, e.g., Lexis/Nexis, West Publishing.

Rule 5.2.1 Privacy Protection For Filings Made with the Court [*Abrogated*. Subject matter now covered by Fed. R. Civ. P. 5.2]

Related Provisions:

E-Government Act of 2002, Pub. Law 107-347, § 205 "Federal Courts"
Privacy Policy, Judicial Conference of the United States
F.R.Civ. P. 5.2 Privacy Protection For Filings Made with the Court
D.Ak. LR 10.1 Form of Pleadings and Other Papers

COMMENT: Superseded by FED. R. CIV. P. 5.2 effective December 1, 2007.

Rule 5.3 Electronic Case Filing

(a) Cases Assigned to CM/ECF System.

(1) Except as otherwise provided by this rule or order of the court, all pleadings, papers, and documents filed in all civil cases in this district on or after January 3, 2006, must be filed electronically utilizing the Case Management/Electronic Case Filing ("CM/ECF") System.

(2) If directed by the court, in a case assigned to the Electronic Filing System after it has been opened, parties who are Filing Users, or are represented by Filing Users, must promptly provide the clerk with electronic copies of all documents previously provided in paper form.

(b) Procedures.

(1) The filing of documents in electronic format will be in accordance with this rule and the CM/ECF administrative procedures promulgated by the Clerk of the Court.

(2) Participants in the CM/ECF System are responsible for ensuring that current filing procedures are followed.

(c) Registration.

(1) Password.

[A] (i) Each attorney admitted to practice under D.Ak LR 83.1(c) or appearing under D.Ak LR 83.1(e), who files pleadings, documents, or papers in cases assigned to the CM/ECF system, must obtain a CM/ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

(ii) Exceptions to the requirements of subparagraph (1)[A](i) must be approved by the Chief Judge and will be granted only upon motion for good cause shown.

(iii) Attorneys in outlying areas of the state that do not have access to high speed (256 kbs, or higher) internet access may be exempted from the requirements of subparagraph (1)[A](i) until such time as high speed (256 kbs, or higher) internet access becomes available in the area in which the attorney maintains the attorney's principal office. Any request for exception under this provision must be accompanied by an affidavit showing the availability and cost of internet access in the area.

[B] Attorneys admitted to practice under D.Ak LR 83.1(d) may be entitled to one CM/ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[C] An individual may become registered to participate in the CM/ECF System by submission of an application in the form prescribed by the Clerk of the Court and—

(i) have completed such training/familiarization as may be prescribed by the Clerk of the Court, or

(ii) is registered as a CM/ECF participant in another court.

(2) *Consent to Electronic Notice and Service.* Participation in the CM/ECF System by receipt of a password from the court, constitutes:

[A] a request for service of notice electronically under Rule 49(b), Federal Rules of Criminal Procedure and Rule 5(b), Federal Rules of Civil Procedure; and

[B] consent to receive notice and service by electronic means in each case in which a formal entry of appearance as a party or attorney for a party has been made.

(3) Unauthorized Use of Passwords.

[A] No registered participant may knowingly permit or cause to permit the participant's password to be utilized by anyone other than an authorized employee of the participant or the participant's firm.

[B] No person may knowingly utilize or cause another person to utilize the password of a registered participant unless the person is an authorized employee of the participant or the participant's firm.

(4) *Compromised Password.*

[A] Each registered participant in the CM/ECF System is responsible for maintaining the integrity of the participant's password.

[B] In the event a registered participant has reason to believe that the password issued to the participant has been compromised or otherwise may be subject to use by an unauthorized person, the participant must immediately notify the Clerk of the Court in writing or by e-mail and request cancellation of the existing password and issuance of a new password.

(5) *Withdrawal.*

[A] A registered participant may withdraw from participation in the CM/ECF System by providing the Clerk of Court with written notice of withdrawal.

[B] Upon receipt of a written notice of withdrawal, the Office of the Clerk will immediately cancel the participant's password and delete the participant from any applicable electronic service list.

[C] Unless otherwise ordered by the court, withdrawal by an attorney from participation in the CM/ECF System does not relieve the attorney of the obligation to comply with paragraph (1).

(d) **Signatures.**

(1) *Registered Participant.*

[A] The electronic filing of a petition, complaint, indictment, pleading, motion or other paper by a registered participant in the CM/ECF System constitutes the signature of the participant under Rule 11, Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court.

[B] (i) A registered participant may, if authorized to so do, sign on behalf of another person a pleading, motion or other paper to be filed electronically as follows: "s/ James Smith for Jane Doe."

(ii) Affixing the signature of another as provided herein constitutes a certification by the participant that the participant has been authorized by the person whose signature is so signified to sign the pleading, motion, or paper on the signatory's behalf.

(iii) The person whose signature is affixed under this subparagraph must be served with a copy of the pleading, motion, or paper and such service noted on the proof of service.

(2) *Court Orders.* The electronic filing of an order or other document by, or at the direction of, a judge or the Clerk of the Court constitutes the signature of the judge or the Clerk of the Court under the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court.

(3) *Other Documents.* The signature page of any electronically filed pleading or paper not governed by paragraph (1) or (2) must bear a digitally imaged (scanned) original signature.

(4) *Verified Documents.* Subject to paragraphs (1), (2) and (3), verified documents (affidavits or declarations under penalty of perjury as provided in 28 U.S.C. § 1746), are to be filed electronically.

(5) *Objections to Authenticity of Signatures.* Any objection to the authenticity of a signature on an electronically filed document must be served on the filing party and filed with the court not later than ten (10) days after the document is served.

(e) Electronic Filing.

(1) *Mandatory Electronic Filing.* Except as expressly otherwise provided in this Rule or in exceptional circumstances that prevent a participant from filing electronically, all petitions, complaints, indictments, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the CM/ECF System must be electronically filed by participants in the CM/ECF System.

(2) *Related Documents.* All documents must be filed separately, except that exhibits to a document must be filed as attachments to that document under the same docket number.

[A] Where documents related to a motion or other pleading are being filed concurrently with the motion or other pleading, e.g., a motion, memorandum of law and a supporting affidavit, the related documents must be filed separately and shown as being a document related to the motion or other pleading.

[B] If documents being submitted electronically have lengthy exhibits, the filing of relevant excerpts of the exhibits is preferred and permitted without prejudice to the right of any party to file additional excerpts or the complete exhibit with the court at any time.

(3) *Emergency Motions.*

[A] Emergency motions, supporting pleadings and objections are to be filed electronically as provided in this rule.

[B] The party filing the motion must promptly advise the Clerk's Office of the filing as provided in the CM/ECF Procedures promulgated by the Clerk of the Court.

(4) *Lodged Documents.* Unless otherwise ordered by the court, participants in the CM/ECF System must submit all documents required to be lodged with the court, e.g., proposed orders, findings of fact and conclusions of law, and judgments, electronically, in accordance with the CM/ECF administrative procedures promulgated by the Clerk of the Court.

(f) Service.

(1) The filing party must serve the pleading or other paper being electronically filed upon all persons entitled to service in accordance with otherwise applicable rules.

(2) If a person entitled to notice or service is a registered participant in the CM/ECF System in the case in which the pleading or other paper is being filed, electronic service of the Notice of Electronic Filing is deemed the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

(g) Special Filing Requirements. Electronic or conventional filing of the following documents is governed by the provisions of this subsection:

(1) *Documents to be Filed under Seal.*

[A] All documents to be filed under seal and motions to file documents under seal are to be filed as provided in the CM/ECF administrative procedures promulgated by the Clerk of the Court.

[B] The party filing a document under seal is responsible for effecting service of the document as provided in the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, or the Local Rules of this court.

(2) *Exhibits to Pleadings and Other Documents.*

[A] Wherever possible, documents being filed as exhibits, including but not limited to leases, notes, and the like, should be electronically imaged (i.e., "scanned") and filed as part of the document referring to the exhibit using Portable Document Format (pdf).

[B] (i) Exhibits that are not available in electronic format are to be filed conventionally attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the exhibit(s) either by mail not later than the next business day or hand delivered not later than the second business day next immediately following the filing.

(ii) If an exhibit is filed conventionally, the filer must include a “dummy” page in the appropriate place sequentially in the document to which the exhibit applies with a conspicuous notation in the middle of the page “Exhibit ____ (insert brief description of the exhibit) filed conventionally.”

(3) *Complaints/Summonses/Civil Cover Sheets.* All complaints, civil cover sheets (JS 44), and summonses to be issued by the court are to be filed as provided in the CM/ECF administrative procedures promulgated by the Clerk of the Court.

(4) *Trial and Hearing Exhibits.*

[A] Exhibit lists, to the extent that the filing thereof is required by the rules otherwise applicable to the trial or hearing, are to be filed electronically.

[B] The actual exhibits are to be submitted conventionally as provided by the rules otherwise applicable to the trial or hearing.

(5) *Transcripts.*

[A] Whenever possible, transcripts, or the relevant portions thereof, not otherwise converted to electronic format, should be electronically imaged (*i.e.*, “scanned”) and filed as part of the document referring to the transcript using Portable Document Format (pdf).

[B] Transcripts that are not available in electronic format are to be filed conventionally attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the transcript(s) relate.

(6) *Service of Conventionally Filed Documents.* Except as otherwise provided by order of the court, the party filing pleadings or other documents conventionally under this subsection is responsible for effecting service in the manner provided for in the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and Local Rules of this court.

(h) **Fees.**

(1) Any required fee may be paid as provided in the CM/ECF administrative procedures.

(2) Unless other arrangements are made with the Clerk of Court, any required fee for a document filed electronically not paid electronically must be mailed to the Clerk of the Court not later than the next business day or hand delivered to the Clerk of the Court not later than the second business day next immediately following the filing.

(3) Unless otherwise ordered by the court, no summons or other process will be issued until such time as any required filing fee is received by the Clerk of the Court.

(i) **Technical Failures.**

(1) If a participant in the CM/ECF System is unable to transmit a time-critical document electronically due to technical failure of either the CM/ECF System or the participant’s system, or due to internet congestion or internet service provider problems, the participant must promptly contact the Clerk of the Court and make alternate arrangements for filing the document in electronic format during normal working hours.

(2) Unless exceptional circumstances exist that prevent the document from being transmitted during regular business hours, the participant must make every effort to transmit any time-critical document during regular business hours on the date the document is due.

(j) **Consequences for Noncompliance.** Any misuse of the CM/ECF System, or intentional noncompliance with its requirements, may result in revocation of the participant’s login and password privileges and/or the imposition of sanctions as provided in District of Alaska Local Rule 1.3.

Related Provisions:

F.R.Civ.P. 5	Serving and Filing Pleadings and Other Papers
D.Ak. LR 1.3	Sanctions
D.Ak. LR 3.1	Papers to Accompany Initial Filing

D.Ak. LR 3.3	Venue; Place of Trial; and Filing in Satellite Offices
D.Ak. LR 5.1	Filing and Proof of Service When Service is Required by Rule 5, Federal Rules of Civil Procedure.
D.Ak. LR 5.2.1	Privacy Protection for Filings Made with the Court
D.Ak. LR 7.1	Motion Practice
D.Ak. LR 7.4	Proposed Orders
D.Ak. LR 10.1	Form of Pleadings and Other Papers
D.Ak. LCrR 49.1	Electronic Case Filing
D.Ak. LCrR 49.1.1	Privacy Protection for Filings Made with the Court

COMMENT: Paragraph (d)(1) has been amended. Subparagraph [A] is current ¶ (d)(1) without substantive change. Subparagraph [B] [new] has been added to codify current practice of permitting a participating attorney to sign a document on behalf of another party if so authorized. This will permit the filing of converted documents without the necessity of scanning the signature page or pages of documents containing multiple signatures, *e.g.*, stipulations, joint status reports, *etc.* To provide a safeguard, the rule requires that the person whose signature is affixed by the registered participant be served with a copy of the document in all cases. Also, by requiring service the 10 days to object to the signature under ¶ (d)(5) begins to run and any erroneous signature brought to the attention of the registered participant and the court in a timely manner.

Rule 7.1 Motion Practice

(a) **Motion and Opposition.** A motion is initiated by the filing and service of a single document, and the motion and any opposition to a motion must include or be accompanied by the following.

- (1) A concise statement of the relief or decision sought by the moving or opposing party.
- (2) A brief statement of points and authorities relevant to the relief requested.
- (3) [A] Legible copies of affidavits, deposition excerpts, and properly authenticated documents or other exhibits as provided in paragraph (a)(4) upon which the moving or opposing party relies.

[B] Documents and depositions should be appropriately excerpted so that only the portions required to be reviewed to make the decision are filed with the motion papers.

- (4) [A] The evidence ordinarily presented, in support of or in opposition to any motion, includes:
 - (i) affidavits;
 - (ii) declarations under 28 U.S.C. § 1746;
 - (iii) deposition excerpts;
 - (iv) admissions;
 - (v) verified interrogatory answers; and
 - (vi) other similar documentary exhibits.

[B] Bulky, heavy or otherwise sensitive exhibits, *e.g.* controlled substances or firearms, are to be photographed and the photograph submitted, or leave of court obtained for submission of the exhibit.

[C] Exhibits not provided to the court and the parties in this manner, including purely demonstrative or summary exhibits, may not be referred to in oral argument.

(5) Motions or oppositions presented to the clerk's office for filing that have supporting affidavits, exhibits, or other documents, must be firmly attached as one document where practicable.

(6) Proposed orders as provided in D.Ak. LR 7.4 are not to be stapled or otherwise affixed or attached to motions or oppositions.

(b) **Reply.** A reply memorandum by the party initiating a motion is optional, and, if filed, must be restricted to rebuttal of factual and legal arguments raised in the opposition.

(c) **Citation of Unpublished Decisions; Judicial Notice.**

(1) [A] Except to support a claim of *res judicata*, collateral estoppel, or law of the case, or as provided by rule, no decision, opinion, or order of any court may be cited in this court if citation is prohibited in the court that rendered the decision; and

[B] unless the decision is published in the National Reporter System, a National Loose-Leaf Reporter, or publicly accessible on an electronic data base, a copy of a decision cited must be attached to the brief.

(2) The court may take judicial notice of the contents of case files within the District of Alaska to establish that:

[A] other proceedings have taken place;

[B] the same or similar claims have been raised and adjudicated; and

[C] like or similar matters.

(3) The contents of other case files may not be used to establish disputed substantive facts unless those facts are established in a previous ruling, order, or judgment entitled to *res judicata* or collateral estoppel effect.

(d) **Failure to Support or Oppose Motions.** Failure to include proper materials in support of, or in opposition to, a motion as required by this rule subjects the motion to summary ruling by the court.

(1) If the failure is by the moving party, it may be deemed an admission that the motion is without merit, and, if by the opposing party, that the motion is well taken.

(2) No unopposed motion for summary judgment will be granted unless the court is satisfied that there are no disputed issues of material fact and that the moving party is entitled to the decision as a matter of law.

(e) **Time Limits.** Unless otherwise ordered by the court, provided by statute, or rule, an opposition must be served and filed within fifteen (15) days of service of the motion, and replies within five (5) days of service of the opposition.

(f) **Format.** Format is governed by D. Ak. LR 10.1. and copies of proposed orders by D. Ak. LR 7.4.

(g) **Facsimile Copies.**

(1) Clear and legible facsimile copies of affidavits or declarations under penalty of perjury in support of or opposition to a motion may be filed without further leave of court.

(2) Originals must be filed within five (5) days after the facsimile copy has been filed.

(3) Facsimiles on thermal paper must be photocopied onto non-thermal paper prior to filing.

(h) **Supplemental Materials.**

(1) *Briefs and Pleadings.* Supplemental briefs may not be filed without leave of court. If a party proposes to file a pleading or brief not authorized by these rules, the party must serve and file a motion requesting permission to do so and attach a copy of the pleading or brief to the motion.

[A] If the motion is granted, the propounding party must serve and file the pleading or brief, or

[B] When pertinent or controlling authorities come to the attention of a party after a brief has been filed, the party may file a notice, without leave of court, limited to two pages, setting forth the citation, docket number, and page numbers of the brief to which the citation pertains. No argument may be included in the notice.

(2) *Factual Materials.* Supplemental factual materials, e.g., deposition excerpts, discovery responses, and affidavits responding to new materials filed with reply briefs, or on account of a change in circumstances, may be filed only by leave of court.

[A] Motions for leave to file supplemental factual materials must reference by docket number the motion papers to which the materials pertain.

[B] Leave will not be routinely granted. The court will consider, among other things—

- (i) whether the material was available to the party when briefs were due, and
- (ii) whether the pertinence of the material was established at the times for briefing.

[C] Leave may be conditioned on such terms as the court in its discretion deems appropriate.

(i) **Motion Submitted.** A motion will be treated as submitted and ripe for decision after:

- (1) the time for filing opposition has elapsed and no opposition has been filed;
- (2) opposition has been filed, the reply filed or the time for filing a reply has elapsed, and no request for oral argument or evidentiary hearing has been made within the time allowed;
- (3) opposition has been filed, the reply filed or the time for filing a reply has elapsed, and request for oral argument or evidentiary hearing has been made and denied; or
- (4) at the conclusion of oral argument or a hearing if one has been granted.

(j) **Postponement of Submission.** All motions should be decided by the court as soon as practicable after all pleadings or briefs have been filed, and, in any event, within six (6) months from the filing of the motion.

(1) It is the responsibility of counsel to complete briefing of motions in accordance with the schedule contained in this rule, except where there is good cause to stipulate to extend the time for briefing or postponement of formal submission to the court for a decision.

(2) Where one or more stipulations for postponement will make it impossible for the court to rule upon a motion within six (6) months from the date the motion was filed, the court may, in its discretion, deny the motion with leave to summarily renew the same.

Related Provisions:

28 U.S.C. § 1746	Unsworn declarations under penalty of perjury
F.R.App.P. 32.1	Citing Judicial Dispositions
F.R.Civ.P. 6	Time
F.R.Civ.P. 7	Pleadings Allowed; Form of Motions
F.R.Civ.P. 10	Form of Pleadings
F.R.Civ.P. 12	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings
F.R.Civ.P. 56	Summary Judgment
D.Ak. LR 7.2	Hearings
D.Ak. LR 7.4	Proposed Orders
D.Ak. LR 10.1	Form of Pleadings and Other Papers

COMMENT: Subparagraph (c)(1)[A] amended to include citation of unpublished opinions to the extent permitted by rule and (c)(1)[B] amended to add cases publicly accessible on an electronic data base to those cases cited that need not be attached to a motion or brief.

Paragraph (h)(1) amended to delete the requirement that the original be filed with the motion. Only a copy is to be filed with the motion and the original must be served and filed by the propounding party. This is change from the current practice that required the clerk to file the original if granted or return it if the motion is granted. This change is compatibility with the CM/ECF system requirements and eliminates any difference between electronic and conventional filings.

Also added a reference to new FED. R. APP. P. 32.1 regarding citations to unpublished opinions.

Rule 7.4 Proposed Orders

(a) Dispositive Motions.

(1) Unless otherwise ordered by the court, parties may not serve and lodge with a dispositive motion, or opposition to a dispositive motion, a proposed order for the court to issue.

(2) "Dispositive" motions are:

[A] motions to dismiss made under Rule 12, Federal Rules of Civil Procedure; and

[B] motions for summary judgment under Rule 56, Federal Rules of Civil Procedure.

(b) **Routine Motions.** A proposed order must be served and lodged with the court with routine non-dispositive motions or oppositions to the motion.

(c) Form of Order.

(1) A proposed order must be self-explanatory and may not require a review of the motion to understand the order.

(2) If the proposed order is for an extension of time or modification of time deadlines, it must include a date certain by which the matter sought to be extended will be accomplished.

(d) **Electronically Filed.** Proposed orders are to be transmitted electronically to the court as provided in D.Ak. LR 5.3(e)(4).

(e) **Conventionally Filed.** The court may allow parties to submit proposed orders on a computer disk in a computer language compatible with the court's computer system.

Related Provisions:

D.Ak. LR 5.3 Electronic Case Filing

D.Ak. LR 7.1 Motion Practice

D.Ak. LR 7.2 Hearings

COMMENT: Subdivision (a) amended to eliminate submission of proposed orders on dispositive motions unless requested by the court. Experience has shown that proposed orders on dispositive motions are seldom used by the court; consequently, their automatic submission is considered inefficient and unnecessary in a vast majority of the cases. If the court determines a proposed order is appropriate, it will enter an order directing submission.

Rule 10.1 Form of Pleadings, Motions, and Other Papers

(a) Form in General.

(1) All pleadings, motions, and other papers presented for filing, conventionally or electronically, with the clerk or intended for the use by the court must be:

[A] in either double-spaced or one-and-one-half spaced typewriting or printing, except that lengthy quotations should be single-spaced and indented;

[B] have margins all around of at least one (1") inch, exclusive of identification printed on the stationery;

[C] if consisting of more than one (1) page, at the bottom of each consecutive page—

(i) contain a page number, and

(ii) have a footer including the case name and number; and

[D] all printed matter appear in at least 11-point type, ten-pitch (10 characters per inch) or 12-point proportionally-spaced font.

(2) Conventionally filed documents must be:

[A] upon letter size (8½ by 11) white paper of good quality, of at least 16-pound weight, not onionskin, except where ripple finish or other opaque paper is used, in which event the weight must be at least 13-pound; and

[B] either in original clear and legible typewriting with black ribbon, or in clear and legible printing in black ink.

(3) Electronically filed documents must be in Adobe Acrobat Portable Document Format (".pdf").

(b) Chambers Copy.

(1) [A] A complete and legible paper copy of every pleading, motion, or paper exceeding twenty-five (25) pages, filed conventionally or electronically, must be provided for use by the judge in chambers.

[B] If the original pleading, motion, or paper was filed electronically, the chambers copy must be an exact replica of the filed pleading, motion, or paper including the document header assigned by the CM/ECF System.

[C] Chambers copies are to be two-hole punched at the center of the top of the page.

(2) Chambers copies are not part of the official file in the case and are not open to public inspection.

(c) Exhibits.

(1) All exhibits to pleadings, motions, or papers must be:

[A] numbered progressively according to the number of the page of the exhibit, preceded by the number or identification of the exhibit, e.g., "Ex. A, p. 1"; provided that

[B] exceptions to progressive numbering of exhibits may be permitted by the court where acceptable copies of original documents make it impractical to comply with that requirement.

(2) If more than five (5) exhibits are attached, the exhibits must be preceded by a table of contents identifying each exhibit by number and description.

(3) Exhibits attached to the chambers copy, including exhibits filed conventionally under D.Ak. LR 5.3(g)(2)[B], must be:

[A] identified by attached tabs in a manner that the tab identifying the exhibit is readily visible; and

[B] permanently attached to the pleading or document to which they apply in a manner to be easily accessible and readable without detaching from the principal document.

(d) Interlineation – One Side of Paper to Be Used. All pleadings, motions, and other papers must be without interlineation unless noted by the court, and printed or written upon only one side of the paper.

(e) Information to Be Placed on First Page. The first page of each pleading, motion, or other paper must be prepared as provided in this subsection.

(1) *Attorney's or Party's Name/Address.*

[A] The name, address, telephone number, facsimile number, and e-mail address of the attorney appearing for a party to an action or proceeding, or of a person appearing without an attorney, must be typewritten or printed in the space to the left of center of the paper beginning at least 1¼ inches below the top edge, or

[B] the attorney's name, address, telephone number, facsimile number and e-mail address may be printed on the left-hand margin of the paper.

[C] The attorney must identify the party the attorney represents.

(2) *Title of the Court.* The title of the court is to be centered on the paper and commence not less than 1½ inches below the top edge, and in any event not less than ½ inch below the name, address, and telephone number of the attorney or person appearing without an attorney if this appears at the top of the page as provided in paragraph (e)(1).

(3) *Clerk's Filing Marks; Case Number.*

[A] A space above the title of the court and to the right of center on the page must be reserved for the filing marks of the clerk; and

[B] below that the file number of the action or proceeding, including the initials of the judge assigned, is to be inserted.

(4) *Title of Action or Proceeding.* Below the title of the court and to the left of center of the page the title of the action or proceeding is to be inserted.

[A] In the event all defendants cannot be named on the first page, the names of defendants only may appear on the second page.

[B] Except for complaints and summonses, lengthy captions may be reduced to indicate a single-named party as plaintiff or defendant followed by "*et al.*"

(5) *Description of Pleading, Motion or Paper.* Below the title of the court and file number, and either centered or to the right of center of the page, a brief designation of the nature of the pleading, motion or paper and, where relief is sought, the nature thereof is to be inserted.

(f) Information to be Placed on Signature Page.

(1) Names are to be typed beneath signatures to pleadings, motions and other papers.

(2) An attorney must identify each party the attorney represents.

(g) **Citation of Statute.** A party filing a complaint, counterclaim or cross-claim seeking relief under a specific statute should cite the statute relied upon in parentheses following the title of the pleading.

(h) Reference to Other Parts of Document.

(1) Where practical, reference to other portions of the same pleading, motion or other paper should be made to avoid repetition.

(2) [A] In any action brought upon or any proceeding involving serial notes, bonds, coupons or obligations for the payment of money that are of the same form, tenor and effect, and are issued under the same law, or by the same authority, and differing only in number, date of maturity or amount, it is sufficient for the plaintiff to set forth in one claim of the complaint one note, bond, coupon, or obligation, either verbatim or according to legal effect.

[B] The remaining notes, bonds, coupons or obligations may be pleaded, in the same or another claim of the complaint, by a general reference or description sufficient to identify them with like effect as if they had been set forth verbatim.

[C] Similar practice may be followed in any pleading where any two or more documents of similar form, tenor or effect are set forth.

(3) Any document referred to in any pleading, motion, or other paper filed with the court may be set forth either in the body of the document or in an exhibit attached thereto.

(i) **Reference to Other Documents in Record.** A reference to a specific part of another pleading, motion, or paper must include the document number and page assigned by the CM/ECF System.

(j) **Replacing Papers Lost or Withheld.** If an original pleading, motion or paper, other than a document filed in the CM/ECF System, is lost or withheld by any person, the court may order a verified copy to be filed and used in lieu of the original.

(k) **Judge's Name Typed on Orders.** On all orders prepared for signature, the name of the ordering judge, if known, should be typed immediately under the signature line prior to presentation for signature.

(l) **Jurisdictional Statement.** The short and plain statement of jurisdictional grounds required by Rule 8(a), Federal Rules of Civil Procedure, should be at the beginning of the complaint, with citations to any federal statutes or constitutional provisions upon which jurisdiction may be based.

(m) **Length.** Unless otherwise ordered, principal briefs or memoranda of law in civil and criminal cases (including appeals) may not exceed twenty-five (25) pages and replies may not exceed fifteen (15) pages, exclusive of pages containing a table of contents, table of citations, or reproductions of statutes, rules, regulations, ordinances, *etc.*

Related Provisions:

F.R.Civ.P. 6	Time
F.R.Civ.P. 7	Pleadings Allowed; Form of Motions
F.R.Civ.P. 8	General Rules of Pleading
F.R.Civ.P. 9	Pleading Special Matters
F.R.Civ.P. 10	Form of Pleadings
F.R.Civ.P. 12	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings
F.R.Civ.P. 13	Counterclaim and Cross-Claim
F.R.Civ.P. 14	Third-Party Practice
D.Ak. LR 5.2.1	Privacy Protection for Filings Made with the Court
D.Ak. LR 5.3	Electronic Case Filing
D.Ak. LR 7.1	Motion Practice
D.Ak. LR 15.1	Motions to Amend
D.Ak. LR 38.1	Notation of Jury Demand in Pleading

COMMENT: Minor changes in terminology made throughout to make reference to the three types of documents recognized by the Federal Rules of Civil Procedure: pleadings, motions and all other papers.

Subparagraph (b)(1)[B] amended to require that the chambers copy of an electronically filed paper be an exact replica of the copy contained in the CM/ECF System. This will require the party filing the pleading, motion, or paper to print the document from the CM/ECF System after it is filed. This provision, coupled with new subsection (i), is intended to ensure that references to the record are uniform, which will facilitate ease in finding references and avoid confusion, particularly where the CM/ECF assigned page number differs from the page number assigned by the document originator. Subparagraph (b)(1)[C] is new, restores the requirement that the chambers copy be two-hole punched at the top.

Subsection (i) [New]: Provides a requirement that a reference to another part of the record be by docket number and page assigned by the CM/ECF System. *E.g.*, "Docket 14 at 16" or "Document 17-2 at 4."

Current subsections (i), (j), (k), and (l), re-designated (j), (k), (l), and (m), respectively.

Subsection (j) (formerly (i)): minor modification to clarify that an original document filed as part of the CM/ECF System, whether after scanning or conversion to Adobe Acrobat portable document format, need not be replaced if subsequently lost. The document in electronic format contained in the court's CM/ECF System is the official court record in any event.

Subsection (m) (formerly (l)): Amended to reduce the size of principal briefs/memoranda from 50 to 25 pages and replies from 25 to 15 pages.

Rule 26.1 Discovery

(a) **Objections.** An objection to a discovery request made under Rule 33, 34 or 36, Federal Rules of Civil Procedure, must clearly and distinctly set forth the nature of the objection and the grounds upon which the objection is based.

(b) **Motions for Protective Orders.** A party filing a motion for a protective order under Rule 26(c), Federal Rules of Civil Procedure, must comply with the requirements of D.Ak. LR 37.1.

Related Provisions:

F.R.Civ.P. 26	General Provisions Governing Discovery; Duty of Disclosure
F.R.Civ.P. 33	Interrogatories to Parties
F.R.Civ.P. 34	Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes
F.R.Civ.P. 36	Requests for Admission
D.Ak. LR 37.1	Discovery Motions
USDC Form 37.1	Good Faith Certificate

COMMENT:

Subdivision (a): A new rule intended to curtail the routine, indiscriminate use of boilerplate objections by requiring a party to state fully the basis for the objection. A generic objection, *e.g.*, “irrelevant,” is insufficient to advise the requesting party (or the court on a motion) as to the basis for an objection. A party objecting to a discovery request must not only set forth the nature of the objection but the basis upon which the objection rests, *i.e.*, why the request is objectionable. Practitioners should also be aware that a failure to timely object or to set forth a proper objection may constitute a waiver of the objection. See *Burlington Northern & Santa Fe Ry. Co. v. United States Dist. Court for the Dist. of Montana*, 408 F.3d 1142, 1149 (9th Cir.2005).

Subdivision (b): Added to make clear that the provisions of LR 37.1, implementing the duty to confer, applies equally to protective orders sought under FED. R. CIV. P. 26(c) as to motions to compel under FED. R. CIV. P. 37.

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Rule 35.1 Physical and Mental Examinations.

A party filing a motion to compel a physical or mental examination under Rule 35, Federal Rules of Civil Procedure, must either:

- (1) signify that the opposing party does not object to the entry of the order; or
- (2) comply with the requirements of D.Ak. LR 37.1.

Related Provisions:

F.R.Civ.P. 35	Physical and Mental Examinations of Persons
D.Ak. LR 37.1	Discovery Motions
USDC Form 37.1	Good Faith Certificate

COMMENT: This rule is added to ensure that the parties have met and conferred regarding the examination before involving the court.

Rule 37.1 Discovery Motions.

(a) **Duty to Confer; Certification of Good Faith.** Absent exigent circumstance, counsel for the moving party must confer in person, or if they are not located in the same city then by telephone, with counsel for the party against whom relief is sought in an effort to resolve any discovery dispute before filing a motion to compel discovery or for sanctions under Rule 37, Federal Rules of Civil Procedure. If such a motion is filed, it must:

- (1) have attached a Good Faith Certificate (Form 37.1); or

(2) include in the first paragraph a statement as to the reason that a Good Faith Certificate can not be attached, including the efforts made to arrange a conference.

(b) **Standard for Imposition of Sanctions.** Prior to entering an order under Rule 37, Federal Rules of Civil Procedure, the court will consider:

(1) the nature of the violation, including the willfulness of the conduct and the materiality of the information the party refused to disclose;

(2) the prejudice to the opposing party;

(3) the relationship between the information the party refused to disclose and the proposed sanction;

(4) whether a lesser sanction would adequately protect the opposing party and deter other discovery violations; and

(5) other factors deemed appropriate by the court or required by law.

(c) **Dismissal, Establishment, or Preclusion.** The court will not enter an order that has the effect of establishing or dismissing a claim or defense or determining or precluding a central issue in the litigation unless the court finds that the party acted willfully.

Related Provisions:

F.R.Civ.P. 26 General Provisions Governing Discovery; Duty of Disclosure

F.R.Civ.P. 37 Failure to Make Disclosure or Cooperate in Discovery; Sanctions

USDC Form 37.1 Good Faith Certificate

COMMENT: Title of rule amended to clarify that it applies to any discovery motion under Rule 37, whether or not sanctions are sought. Subdivision (a) is also amended to make clear that to confer requires the parties to actually communicate directly, face-to-face or where necessary telephonically. An exchange of letters will ordinarily not suffice. See the Advisory Committee Note to the 1993 amendment to subdivision (c) of FED. R. CIV. P. 26. In the event the movant is unable to get the other side to confer, the efforts made attempting to arrange a conference should be indicated in the LR 37.1(a)(2) statement which makes clear that it is a certification of a diligent, not merely perfunctory, attempt to confer.

Rule 77.1 Orders and Judgments by the Clerk

(a) **General.** The clerk is authorized to sign and enter the orders listed below without further direction by the court.

(1) Orders on consent for the substitution of attorneys;

(2) Orders on consent satisfying a judgment, withdrawing stipulations, annulling bonds, or exonerating sureties;

(3) Orders entering default for failure to plead or otherwise defend, as provided in Rule 55(a), Federal Rules of Civil Procedure;

(4) Any other order, which under Rule 77(c) Federal Rules of Civil Procedure, does not require special direction by the court;

(5) Orders on stipulations for the extension of time, if filed before the deadline sought to be extended;

(6) Orders dismissing actions under D. Ak. LR 41.1;

(7) Orders dismissing actions under Federal Rule of Civil Procedure 41(a)(1);

(8) Orders authorizing admission under D.Ak. LR 83.1(d); and

(9) Those orders the court may from time to time by miscellaneous general order or order of individual judges in individual cases authorize the clerk to grant.

(b) **Notification of Judge.** The clerk will notify the judge before whom the case is pending of the action taken.

Related Provisions:

F.R.Civ.P. 41	Dismissal of Actions
F.R.Civ.P. 54	Judgments; Costs
F.R.Civ.P. 55	Default
F.R.Civ.P. 77	District Courts and Clerks
D.Ak. LR 41.1	Dismissal of Actions
D.Ak. LR 83.1	Attorneys

COMMENT: Subsection (a) amended by adding new paragraphs (7) and (8) and renumbering former paragraph (7) as (9). As amended the rule authorizes the Clerk to enter orders dismissing actions under FED. R. CIV. P. 41(a)(1) (by plaintiff before answer of motion for summary judgment is filed or upon stipulation of the parties). FED. R. CIV. P. 41(a)(1) by its express language provides that a case is dismissed “*without order of court*” when the dismissal complies with that paragraph. A dismissal under Rule 41(a)(1) itself closes the case and the court has no role to play. *Pedrina v. Chun*, 987 F.2d 608, 610 (9th Cir.1993). Indeed, the court has no authority to disturb a dismissal under Rule 41(a)(1). *American Soccer Co., Inc. v. Score First Enter., a Div. of Kevlar Ind.*, 187 F.3d 1108, 1010-12 (9th Cir.1999). However, parties routinely submit orders accompanying Rule 41(a)(1) dismissals or stipulations and this provision authorizes the Clerk to enter such orders without referral to the presiding judge. CAVEAT: Rule 41(a)(1) does not authorize the dismissal of individual claims; it must be to the entire action or, at least, the entire action as against one defendant. See *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389, 1392 (9th Cir.1988). In those cases, FED. R. CIV. P. 15(a) applies. The Rule is also amended to authorize the Clerk to enter orders granting *pro hac vice* admissions under LR 83.1(d).

Rule 83.1 Attorneys

(a) Eligibility.

(1) Except as otherwise provided in this rule, any attorney admitted to practice as an attorney and counselor at law before the courts of the State of Alaska under Part I of the Alaska Bar Rules is eligible for admission to practice in the United States District Court for the District of Alaska.

(2) Active members of the bar of this court may appear and act in all respects on behalf of parties anywhere in the District of Alaska unless the court finds good cause to require association with an active member of the bar of this court residing in the place within the district where the case is pending.

(b) **Law Clerks.** No individual serving as a law clerk to a judge of this court may engage in the practice of law while continuing in such position. After separating from that position, practice as an attorney in connection with any case pending during the individual's term of service before the judge for whom the individual worked will be limited by Rule 1.11, Alaska Rules of Professional Conduct.

(c) Procedure for Admission.

(1) All attorneys admitted to practice before the former District Court for the Territory of Alaska on February 20, 1960, are admitted to practice in this court without further procedure for admission.

(2) Each applicant for admission must file with the clerk a petition stating:

[A] all names by which the applicant has been known;
[B] residence and office addresses; and
[C] the names and addresses of all courts before which the applicant has been admitted to practice and dates of—

(i) admission, and

(ii) suspension or other such action on account of disability or other reason in any of the jurisdictions or courts before which the applicant has practiced.

(3) The petition must be:

[A] accompanied by a certificate of good standing signed by a justice or the clerk of the Alaska Supreme Court or the Executive Director of the Alaska Bar Association bearing a date not more than ninety (90) days prior to the date of the application; and

[B] served on the Alaska Bar Association.

(4) After a twenty-day period for the filing of objections has elapsed, the court will determine whether to order admission, and, if admission is ordered, the clerk will issue a certificate of admission.

(5) The court may, on its own motion or in response to an objection, make further inquiry of the applicant or others and determine what response to objection, hearing, or other procedures are appropriate.

(6) Service of the petition on the Alaska Bar Association and the objection period does not apply for new admittees to the Alaska Bar Association if the petition for admission is filed in this court within sixty (60) days of the date the Alaska Bar Association certifies the person for admission to the Alaska Supreme Court.

(7) An accepted applicant must take an oath substantially in the form as may be prescribed from time to time by the Administrative Office of the United States Courts or by miscellaneous general order of this court.

(d) Non-Eligible Attorneys.

(1) [A] A member in good standing of the bar of another jurisdiction, who is not an active member of the bar of this court, may, upon motion, be permitted by the court to appear and participate on behalf of a party, but non-local counsel will ordinarily be required to associate with an active member of the bar of this court.

[B] The court may permit a member in good standing of the bar of another jurisdiction, on a sufficient showing, to appear and participate without association with an active member of the bar of this court.

(2) [A] Unless otherwise ordered by the court:

(i) the attorney applying may appear and participate from the time of filing as though it had been approved, and

(ii) approvals will be deemed to be effective as of the time of filing of the motion.

[B] The motion must either designate a member of the bar of this court in accord with the above paragraphs or show cause why, in accord with the above paragraphs, no association should be required.

[C] Motions for leave to participate without local counsel will not be approved as a matter of course, and if denied, a party represented by non-local counsel will be given a reasonable period within which to associate local counsel.

(3) If a non-local attorney appears for a party, whether from outside the district of Alaska or outside the location within the district where the proceeding is located, the court may at any time during the proceeding, on motion of a party or its own motion, for good cause, require association of local counsel.

(4) The motion must be accompanied by the affidavit or declaration of the attorney seeking admission, which affidavit or declaration must:

[A] Contain—

- (i) all names by which the applicant is known,
- (ii) the applicant's office and residence addresses,
- (iii) name and address of each jurisdiction or court to which the applicant has been admitted to practice and the year of admission to each,
- (iv) a statement that the applicant is not the subject of any pending disciplinary action in any jurisdiction or before any court to which the applicant has been admitted to practice,
- (v) all relevant information, including dates, of any suspension, disbarment, or similar action, on account of disability or other reason, in any jurisdiction or court to which the applicant has been admitted to practice, and
- (vi) certification that the applicant has read the local rules of this court; and

[B] Be accompanied by either—

- (i) a certificate of good standing from a jurisdiction or court to which the applicant has been admitted to practice, or
- (ii) a certification from the Alaska Bar Association that the applicant is admitted to practice in the State of Alaska under Alaska Bar Rule 43 or 43.1.

(e) Attorneys for the United States Government and the Federal Public Defender Agency.

(1) Any attorney representing the United States Government, or any agency thereof, or any attorney employed by the Federal Public Defender's Office may appear and participate in particular cases in an official capacity without submitting a petition for admission, provided the attorney is admitted to practice and in good standing before the highest court of any state.

(2) If the attorney is not a resident of this District, the resident United States Attorney or Federal Public Defender, as the case may be, must be associated initially, but upon application demonstrating good cause, the court may dispense with such association.

(f) Appearances, Substitution, and Withdrawal. [Abrogated]

(g) Disbarment and Suspension.

(1) [A] Whenever it appears to the court that any member of the bar of this court or any non-resident attorney permitted to appear or who has applied to appear before this court has been disbarred, suspended from practice, or convicted of a serious crime as defined by the Alaska Bar Rules, or similar authority in a state other than Alaska, the attorney will be immediately suspended from practice before this court.

[B] Unless good cause to the contrary is shown within twenty (20) days after notice has been mailed to the attorney's last known place of business or residence, an order of suspension or disbarment will be entered for such time as the court fixes.

(2) If a suspended attorney requests, in writing, reinstatement to practice before the court, and the court has received notification that the attorney has been reinstated to practice before the courts of the State of Alaska or such other courts where the suspended attorney practices, an order of reinstatement may be entered.

(h) Contact with Trial Jurors.

(1) No attorney admitted to practice or appear before this court may:

[A] seek out, contact, or interview at any time any juror of the jury venire of this court; or

[B] without prior approval of the court, allow, cause, permit, authorize or in any way participate in any contact or interview with any juror relating to any case in which the attorney has entered an appearance.

(2) This subsection will be posted in the jury rooms of this District and jurors will be instructed fully as to this matter.

(i) **Professional Conduct.** Every member of the bar of this court and any attorney admitted to practice or appear in this court must:

(1) be familiar with and comply with the Standards of Professional Conduct required of the members of the State Bar of Alaska and contained in the Alaska Rules of Professional Conduct and decisions of any court applicable thereto, except insofar as those rules and decisions are otherwise inconsistent with federal law;

(2) maintain the respect due courts of justice and judicial officers; and

(3) perform with the honesty, care, and decorum required for the fair and efficient administration of justice.

(j) **Current Address.** All persons admitted to practice before the United States District Court for the District of Alaska should notify the clerk of the court, in writing, of any change in address, telephone number, facsimile number, or e-mail address not later than thirty (30) days after the change in address, telephone or facsimile number, and/or e-mail address becomes effective.

(k) **Admission Fee.** Each applicant, other than an applicant who is practicing law in the State of Alaska under Alaska Bar Rule 43 or 43.1, applying for admission to practice in this district must pay at the time of application for admission the following fee:

(1) for admission under subsection (c), \$100.00 plus the fee required under the District Court Miscellaneous Fee Schedule promulgated by the Judicial Conference of the United States; or

(2) for admission under subsection (d), \$150.00.

Related Provisions:

Alaska Rules of Professional Conduct

D.Ak. LR 11.1 Appearances, Substitutions and Withdrawals

Alaska Bar Rule 43 Waivers to Practice Law for Alaska Legal Services Corporation.

Alaska Bar Rule 43.1 Waivers to Practice Law Under a United States Armed Forces Expanded Legal Assistance Program.

COMMENT: Amended to provide for the admission *pro hac vice* of persons practicing law in Alaska under Alaska Bar Rules 43 (Alaska Legal Services Corporation) and 43.1 (Armed Forces Expanded Legal Assistance Program) and waiving the admission fee for such persons.

Rule 85.1. Title and Citation.

These rules may be known as the Local Rules of the United States District Court for the District of Alaska and cited as "D.Ak. LR ____."

COMMENT: Former LR 1.1(a) redesignated without substantive change to comply with the Uniform Rule Numbering System.

Rule 49.1.1 Privacy Protection For Filings Made with the Court [*Abrogated.* Subject matter now covered by Fed. R. Crim. P. 49.1]

Related Provisions:

E-Government Act of 2002, Pub. Law 107-347, § 205 "Federal Courts"

Privacy Policy, Judicial Conference of the United States

F.R.Crim. P. 49.1 Privacy Protection For Filings Made with the Court

D.Ak. LR 10.1 Form of Pleadings and Other Papers

COMMENT: Superseded by FED. R. CRIM. P. 49.1 effective December 1, 2007.

Draft